

**PUBLIC MEETING**  
**September 18, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 a.m. Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included K. Paul Stahl, Michael McHugh, Audra Zacherl, Ron Alles, Sharon Haugen, Greg Hall, Debbe Pistoria, Roy and Penny Killham, Steve Claassen, Vicki and Ted Beck, Ronald and Nancy Hampa, Paul W. Hicks, Betty and Lloyd Huttinger, Jr., Jeff Erickson, Robert Kistler, Harry Jacobs, Garry Pistoria, Mike Kaczmarek, Mike Herbst, Skee Tenneson, Kelly Smith, and Carole Byrnes.

Minutes. There were no minutes to approve.

Auditor's Invoice Report. Audra Zacherl reported that 721 invoices have been selected for payment in the total amount of \$673,338.66. The report is available for inspection in room 345 and on the county's web site.

Westview Estates Major Subdivision-Results of Pump Test. Michael McHugh reported that this proposal was approved by the BoCC June 20, 2000 with 21 conditions. Condition 1 required that a pump test be conducted to determine if there is sufficient and available water supply to service the approved lots. The pump test has been completed by a professional hydrogeologist, and a copy of the report has been submitted to the BoCC, in addition to comments submitted by the members of the Water Quality District and the Department of Environmental Quality.

Mike Kaczmarek, 1042 Livingston, Chief Geologist, Morrison-Maierle Engineers. Mr. Kaczmarek stated he prepared the pump test for hydrologic study for this proposal. Morrison-Maierle installed three test wells and conducted tests, which equal and exceed the requirements of both the state and the county. The results show there is more than adequate supply of water for the proposed 10 lots. The work has been reviewed and accepted in a letter from DEQ. He responded to points made in a letter to the planning department dated September 11, 2001 from Christian, Sampson & Jones on behalf of their clients. The tests were conducted for the purpose of determining if they would have any effect on nearby wells. The test results show that there was almost no likelihood that the wells will affect any of the surrounding properties.

The Chair opened the public hearing.

Ted Beck, 6160 Highway 12 West. Mr. Beck stated the applicant was past the deadline for an extension before requesting an extension for an additional year. Based on the original application map, the easements have been removed. If the easements do not exist, then there is no clear secondary access to this subdivision. Mr. Beck then discussed the May 10 DEQ letter and concluded that the pump test does not meet the requirements for a dependable water supply.

Mike Kaczmarek responded to Mr. Beck's comments. Morrison-Maierle provided additional information to DEQ in respect to the water test and subsequently, the results of the test has been accepted by the DEQ.

The Chair closed this portion of the public hearing.

Michael McHugh stated the Commission has two actions to vote on (1) to determine the sufficiency of a water supply, and (2) if you wish to amend the original conditions of approval to incorporate the recommendations from DEQ.

Commissioner Varone believes the pump test demonstrated there is adequate water on the property and moved to approve the pump test for the proposal. Commissioner Murray seconded the motion. Commissioner Loendorf opposed the motion. The motion carried 2-1.

Commissioner Murray moved to table the second action until Thursday, September 20, 2001 at 10:00 a.m. In addition to the water quality recommendations, he would like the Commission to look at the caveats on water availability received from the Meagher County geologist as a possible condition. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be Known as Grand View Addition, Lot 7 Minor. The applicant proposes to create one additional space for a single-family dwelling. The existing tract is developed with a single-family dwelling served by an individual well, individual on-site wastewater treatment system, and utilities. A second site would also be served by well, individual on-site wastewater treatment system, and utilities. Access to the lots would be from Valley Drive connecting to Lanning Road. The proposal is generally located north of and adjacent to Lanning Road and west of Valley Drive. The applicants, Raymond and Penny Killham, were present and indicated their willingness to proceed. Frank Rives presented the staff report. The Montana Power Company has a high-voltage transmission line traversing the tract. The applicants have submitted a variance request to leave Lanning Road at its current 20-foot width. The applicant will need to complete a shared-users agreement for the well and should establish an easement for the well and water lines to insure access. Because portions of the property are located within the 100-year floodplain, the applicant will be required to obtain a floodplain permit prior to construction or placement of a mobile home on the property. The property is located within seismic zone 3. Staff recommended approval of this proposal subject to 11 conditions as outlined in the staff report.

Penny Killham, 3270 Lanning Road, East Helena. Mrs. Killham stated her trailer was not flooded during the last flood event, nor was the location where the new trailer will be set. She is satisfied with the conditions, but is overwhelmed with the requirements to move a trailer onto the property.

Hearing no other comments, Commissioner Murray moved that the Commission render

a final decision Thursday, September 20, 2001 at 10:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

K. Paul Stahl stated that the proposal should state "the preliminary approval is for spaces for two single-family dwellings one owner occupied and one rental space" because they are not creating a separate parcel.

The Commission recessed and reconvened at 10:10 a.m.

Proposed Subdivision, Summary Review to be Known as Yuhas Tracts Lot 5 Minor.

The applicant proposes to create an additional space for a single-family dwelling. Both dwellings would be served by a shared well, and each would have an individual on-site wastewater treatment system, and separate utilities. Access to the lot is proposed from Westview Road connecting to Grandview Road and ultimately to Valley Drive. The proposal is generally located approximately ½ mile south of Canyon Ferry Road, approximately ½ mile west of Valley Drive. The applicant, Lloyd Huttinger, Jr. was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. An irrigation ditch traverses the property and could serve as an attractive nuisance for children. Portions of the property are located within the 100-year floodplain. The applicant would need to complete a share-users agreement for both wells and should establish easements for the wells and water lines to insure that access is not impaired. The applicant would need to reconstruct Westview Road from its intersection with Grandview Road to the subject property and terminate in a county standard cul-de-sac. The East Valley Volunteer Fire Department has recommended that the applicant contribute \$200 per dwelling unit for fire protection water supplies. A five-year weed management plan should be submitted to the county weed board for review and approval. The applicant would need to submit any plans for proposed development within the floodplain areas to the county floodplain administrator and all improvements to the property within designated floodplain shall comply with the Lewis and Clark County Floodplain Ordinance. Elevated heavy metals soil concentrations from the Asarco smelter have been identified in the subject area. Drainage channels around the subject property have been identified with high levels of lead. The parcel should be tested to determine if any dangerous levels of heavy metals are present and if present, remediation should be undertaken. Staff recommended that the applicant fence the irrigation ditch to help deter children from playing near the ditch. Disturbance of the drainage ditch should be prohibited in order to maintain their ability to carry run-off. The proposal appears to comply with county subdivision regulation except for access; Westview Road does not meet county standards for road construction. Staff recommended approval of the proposal subject to 17 conditions as outlined in the staff report.

Lloyd Huttinger, 2910 Westview Road. Mr. Huttinger stated the East Helena Lead Abatement Program did a study a few years ago and he will bring in the report when he receives it, but the report indicated very little lead contamination in the subject area. He cannot fence the entire ditch because the irrigation ditch company will need access to the ditch, but he has fenced a portion of it.

The Chair opened the public hearing.

Robert Kistler, 3288 Trerise Road. Mr. Kistler questioned the lead report because his property was tested from 500-850 ppm in lead and believes the entire area is contaminated. Mr. Huttinger has not followed his weed plan in the past and he has too many junk vehicles on the property.

Mr. Huttinger stated he uses the vehicles on his property, they are not junk vehicles. He has sprayed, burned, and mowed the weeds on the property.

Hearing no other public comments, the Chair closed this portion of the hearing.

Commissioner Varone moved that the Commission extend the public hearing and render a final decision Thursday, September 20 to allow the applicant to submit a variance on the road standard.

Commissioner Murray seconded the motion. The Commissioners asked that the County Sanitarian be present Thursday to discuss the applicant's past experiences, as well as County Extension Agent Larry Hoffman relative to the weed plan. The motion carried unanimously.

Request for Modification of the Subdivision Approval for Proposed Subdivision, Summary Review to be Known as the Traub Minor. Frank Rives stated the applicant, John Traub, was not present. Commissioner Murray moved to table to October 2, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Request for Modification of the Subdivision Approval for Tenneson Estates II Major Subdivision. The applicant, Skee Tenneson, was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. One of the requirements of preliminary plat approval is to provide two ingress-egress routes for the major subdivision. The applicant has requested that condition 4 be modified to delete the requirement for the second ingress-egress route connecting East Howard to Lake Helena Drive. Mr. Tenneson has requested a variance from that standard.

Skee Tenneson, 102½ East Main, East Helena. He has agreed with Redge Mierhenry (Dakota Valley Subdivision) to pave and straighten East Howard Road in October. To construct the second ingress-egress road at this time would be cost prohibited and the road will not be used very often. There is a flat field that may be used in case of emergency.

Hearing no public comments, the Chair closed this portion of the hearing.

Commissioner Murray moved to render a final decision Thursday, September 20 at 10:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Request for Extension of the Blue Cloud Subdivision Improvements Agreement. Jerry Grebenc reported that the applicants and the homeowners' association have been

looking into pursuing an RID to pave the roads in the PUD with asphalt. The applicants' improvement agreement expires October 4, which covers the chipsealing. The applicants would like to extend the improvements agreement to September 18, 2002. If the RID does not work, the applicants would be required to chip seal the roads. Staff recommended approval. Commissioner Varone to approve the extension through October 4, 2002. Commissioner Murray seconded the motion and it carried unanimously.

N2H2 Products and Services Agreement. Ron Alles reported that the IT Board has recommended approval to filter Internet access as well as speed up the network. Staff recommended approval. Commissioner Murray moved to approve the agreement and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:00 a.m.